



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

BOROUGH OF MANHATTAN

November 8, 2023

Dear Assembly Member Seawright,

I am writing on behalf of Chair Garodnick in response to your recent letter detailing support of the Pre-Application Statement submitted by Manhattan Community Board 8 in April of 2022 proposing the establishment of a Special Lenox Hill District and a Special Yorkville District.

The Department of City Planning ("the Department") has engaged in regular conversation with Community Board 8, elected officials, and advocates on concerns around building heights in the Upper East Side. The consistent position of the Department that has been communicated to stakeholders is that zoning regulations which restrict building height are neither consistent with longstanding existing conditions nor supported by solid planning rationale.

The Special Lenox Hill and Special Yorkville Districts proposal would impose a 210-foot height limit for buildings along major avenues, which strays from fundamental planning principles and public policy. There are numerous existing buildings, both old and new, within the proposal area that exceed 210 feet in height that would be rendered noncompliant by the proposal. Furthermore, this height limit contradicts the stated goal of preserving existing buildings. Imposing strict building heights eliminates the opportunity for the transfer of unused development rights from existing lower rise and tenement buildings to new towers, a well-established practice in these neighborhoods which facilitates preservation of existing buildings. Closing off the opportunity to transfer unused development rights through the imposition of a strict height limit increases the likelihood of demolition of existing residential buildings. The presence of lower buildings situated alongside towers exceeding 300 feet in height has constituted the neighborhood context of the Upper East Side for many decades.

The Department has long heard specific feedback from local residents that existing "tower-on-base" zoning controls were valued because they ensured a predictable building form. In response to local concerns regarding an emerging practice of utilizing excessive mechanical spaces in tower-on-base residential buildings to increase building height, the Department engaged in a comprehensive study of mechanical voids, resulting in the successful adoption of the 2019 citywide Mechanical Voids Text Amendment. This zoning change addressed concerns raised by local residents by prohibiting excessive mechanical spaces in residential buildings, thereby restoring the important predictability in built form.

For the reasons outlined, the Department does not support the proposed text amendment. The Department seeks every opportunity to facilitate the creation of new housing, especially in areas such as this with significant transit investments and proximity to good jobs. We welcome your continued interest and involvement in addressing our housing crisis and providing opportunity for affordable homes for all New Yorkers.

Dan Garodnick
Department of City Planning
120 Broadway 30th Fl New York, NY 10271
www.nyc.gov/planning

November 8, 2023

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'E' followed by a long, flowing horizontal line that ends in a small loop.

Erik Botsford
Director, Manhattan